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| APPLICATION NO.                                                                      | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--------------------------------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 10/771,538                                                                           | 02/05/2004  | Kazuya Midorikawa    | H0314T              | 2812             |
| 7590                                                                                 | 10/05/2005  |                      | EXAMINER            |                  |
| Takeuchi & Kubotera, LLP<br>200 Daingerfield Road, suite 202<br>Alexandria, VA 22314 |             |                      |                     | DUVERNE, JEAN F  |
|                                                                                      |             |                      | ART UNIT            | PAPER NUMBER     |
|                                                                                      |             |                      | 2839                |                  |

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EJC

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 10/771,538             | MIDORIKAWA ET AL.   |
| <b>Examiner</b>              | <b>Art Unit</b>        |                     |
| Jean F. Duverne              | 2839                   |                     |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 January 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) 10-11 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Okura (US005975916A ).

Okura's device discloses an electrical connector comprising: a substantially rectangular peripheral wall (11, 15) having an upper face (see attachment); a receiving space at 16 for receiving a mating connector (M: see attachment), said receiving space being surrounded by said peripheral wall (11, 15, 16); and a plurality of terminals at 24 with resilient contacts arranged in a pair of opposed walls of said peripheral wall, wherein said upper face of said peripheral wall includes a first surface (see attachment) in at least part of an outside area of said peripheral wall, a second surface(see attachment or at 13) in at least part of an inside area (33) of said peripheral wall, said second surface being positioned lower than said first surface, and a slant surface with a tapered shape (S: see attachment) a transit area between said first and second surfaces of said upper face; wherein said second surface of said upper face is substantially perpendicular to a plugging direction of said mating connector into said receiving space; which further comprises a plugging protrusion in said one engaging

means a side surface thereof to engage said mating connector; wherein each of said terminals has a resilient contact portion, which is wound toward a bottom of said receiving space to provide a bent portion such that when said mating connector is brought into contact with said bent portion, said resilient contact portion is resiliently flexed in a direction substantially perpendicular to a plugging direction of said mating connector (which is an inherent and obvious limitation). However, Okura's device fails to explicitly disclose the height or the size of the first surface. It would have been obvious matter of design choice to have the first surface higher than the terminals, since such modification would have involved a mere change in size of a component. A change in size is generally recognized as been within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955). It would have obvious to one having ordinary skill in the art at the time the invention was made choice to have the first surface higher than the terminals in order to improve the retention and the reliability in Okura's device.

#### **Response to Amendment**

Applicant's arguments filed with the amendment on 7/27/2005have been fully considered but they are not persuasive. The claims do not define structural structure features that distinguish over prior art: For example, having the first or second surface being higher than the terminals is an obvious variation (see the above rejection). Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Conclusion***

Claims 10-11 are objected to . Prior the plugging limitation features and with rest of the claims limitations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean F. Duverne whose telephone number is (571) 272-2091. The examiner can normally be reached on 9:00-7:30, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TC Patel can be reached on (571) 272-2098. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2839

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JFD

04/10/2005



Jean Frantz Duverne  
Primary Examiner  
Art Unit 2839